IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 109 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/11/2004 in WP NO : 6864 OF 1992 on the file of the High Court.)

Between:

K.Naga Raju, S/o.Ramanna,
R/o.Pattennepalem village, Jangareddygudem Mandal,
West Godavari District.

..... APPELLANT

AND

1. The Government of A.P., rep.by Secretary, Social Welfare Department, Secretariat, Hyderabad.
2. The Agent to Government, (District Collector) West Godavari District, Eluru.
3. The Spl. Deputy Collector, (TW), Eluru.
4. Chavalam Mutyalu, S/o.Mutyalu, R/o.Pattennepalem, Janagareddygudem Mandal, West Godavari District.
5. Chavalam Laxmudu, S/o.Mutyalu, R/o.Pattennepalem, Jangareddygudem Mandal, West Godavari District.

.....RESPONDENT(S)

Counsel for the Appellant:Mr.P.Venugopal for MR.P.R.K.AMERANDRA KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

Counsel for the Respondent Nos.4 and 5: None appeared.

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The appellant, who is the writ petitioner, is aggrieved by the order dated 11-11-2004 passed by the learned single Judge dismissing the writ petition. Appellant in the writ petition questioned the legality and validity of the order passed by the Joint Secretary to the Government, Social Welfare (F) Department exercising the powers of revision under Regulation 6 of the A.P. Scheduled Areas Land Transfer Regulations, 1959 on 15th April, 1992. The revision was dismissed without assigning any reasons whatsoever saying that "the Government do not see any reason to interfere with the orders of the Agent to Government in S.R.A.No.51 of 1983 dated 4-2-1987". The Agent to the Government while exercising appellate power had allowed the appeal of respondents 4 and 5 arising out the order dated 26-1-1983 in S.R.No.115 of 1982 of the Special Deputy Collector, Tribal Welfare, Eluru. The order of the primary authority had gone in favour of the petitioner but the Agent allowed the appeal and set aside the order of the primary authority for reasons assigned in the order. Petitioner had, in order to challenge the order of the Agent in revision, raised number of grounds, both legal and factual, which the State Government was bound to decide in accordance with law by assigning valid reasons. Under Regulation 6, revision is required to be decided after notice to the parties and after hearing them. The order being one affecting the rights of the parties, cannot be passed without assigning any reasons which are required to be assigned. A Division Bench of this Court in G.VARALAKSHMI vs K.PULLAMMA (DIED) AND OTHERS [2002 (3) ALD 211] held that the order passed by the revisional authority, appellate authority or reviewing authority should reflect convincingly due application of mind which can only be reflected in case reasons are assigned in support of the order. The order of the first respondent thus passed, which was under challenge in the writ petition, was not an order in accordance with law and thus required to be set aside. Learned single Judge did not even noted this submission of the petitioner and for that reason appeal is liable to be allowed.

Appeal is allowed and the impugned order is set aside. Writ Petition is allowed and the order impugned in the writ petition is set aside with direction to the first respondent to hear and decide the revision of the petitioner afresh in accordance with law after hearing the parties concerned. Till the revision is heard and decided, status quo as regards possession shall continue to be maintained.

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DEVINDER GUPTA, CJ

25-1-2005

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M.NARAYANA REDDY, J

Tvr

To

1. The Secretary, Government of A.P., Social Welfare Department, Secretariat, Hyderabad.
2. The Agent to Government, (District Collector) West Godavari District, Eluru.
3. The Spl. Deputy Collector, (TW), Eluru.

4. 2 CCs to the Govt. Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies.